



Docket No.: 143

December 11, 2003

Office of Initial Patent Examination  
Filing Receipt Corrections  
Alexandria, VA 22313-1450

Re:    Applicant(s):     Bender, Theodore M.; et. al.  
      Assignee:        Cardica, Inc.  
      Title:            Tool for Creating an Opening in Tissue  
      Serial No.:        10/659,057  
      Examiner:        Not yet assigned                      Filed: September 9, 2003  
      Docket No.:       143    Group Art Unit: 3731

**REQUEST FOR CORRECTED FILING RECEIPT**

Dear Sir:

Enclosed is a copy of the Official Filing Receipt marked in red to show that correction is needed. The section entitled "domestic priority data as claimed by applicant" should read:  
**--This application is a continuation-in-part of 10/054,745 01/22/2002.--**

In support of this change, a copy of the first page of the patent application as filed is attached. The highlighted portion of this page establishes that "[t]his patent application is a continuation-in-part of the U.S. Patent Application Serial No. 10/054,745, filed January 22, 2002." A copy of the Transmittal Letter showing that this patent application is a continuation-in-part of U.S Patent Application Serial No. 10/054,745 is also attached.

Issuance of a corrected Filing Receipt is respectfully requested.

Respectfully submitted,

Brian A. Schar  
Reg. No. 45,076  
Chief Patent Counsel  
Cardica, Inc.  
(650) 331-7162

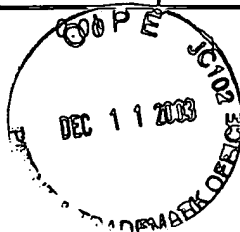


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

| APPL NO.   | FILING OR 371<br>(c) DATE | ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|-----------------|----------|----------|----------|
| 10/659,057 | 09/09/2003                | 3731     |               | 143             | 15       | 42       | 3        |

Cardica, Inc.  
 900 Saginaw Drive  
 Redwood City, CA 94063



CONFIRMATION NO. 3804

## FILING RECEIPT



\*OC000000011394555\*

Date Mailed: 12/02/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

Theodore M. Bender, Residence Not Provided;  
 Brian R. DuBois, Residence Not Provided;  
 Dan M. Pomeroy, Residence Not Provided;  
 Scott O. Chamness, Residence Not Provided;  
 Brendan M. Donohoe, Residence Not Provided;

## Domestic Priority data as claimed by applicant

This application is a ~~CON~~ of 10/054,745 01/22/2002

*Continuation-in-part*

## Foreign Applications

If Required, Foreign Filing License Granted: 12/01/2003

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes-

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Tool for creating an opening in tissue

**Preliminary Class**

606

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



## TOOL FOR CREATING AN OPENING IN TISSUE

Theodore M. Bender

Brian R. DuBois

Dan M. Pomeroy

Scott O. Chamness

Brendan M. Donohoe

5

This application is a continuation-in-part of U.S. Patent Application Serial No.

10/054,745, filed January 22, 2002.

10

### FIELD OF THE INVENTION

The present invention relates generally to surgery, and more particularly to creating an opening in the wall of a tubular tissue structure such as a blood vessel.

15

### BACKGROUND

Anastomosis is a procedure where two separate tubular or hollow organs are surgically grafted together to form an intercommunication between them. Vascular anastomosis involves creating an anastomosis between blood vessels to create or restore blood flow. The vascular anastomosis procedure is routinely performed during the treatment of a variety of conditions, including coronary artery disease (CAD), neurovascular disease, diseases of the great and peripheral vessels, organ transplantation, and traumatic injury. When a patient suffers from CAD, an occlusion or stenosis in a coronary artery restricts blood flow to the heart muscle. To treat CAD, the area where the occlusion occurs is bypassed to reroute blood flow by placing a graft vessel (in the form of a harvested artery or vein, prosthesis, allograft or xenograft) between two target

20

25

Docket No.: 143

September 9, 2003

Mail Stop Patent Application  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Enclosed herewith for filing is a patent application, as follows:

Inventor(s): Bender, Theodore M.

DuBois, Brian R.

Pomeroy, Dan M.

Chamness, Scott O.

Donohoe, Brendan M.

**Title: Tool for Creating an Opening in Tissue**

X Return Receipt Postcard

X This Transmittal Letter

49 page(s) Specification (not including claims)

6 page(s) Claims

1 page Abstract

15 Sheet(s) of Drawings

X Nonpublication Request

X **Applicant(s) assert(s) entitlement to small entity status for the attached patent application.**

This application is a continuation-in-part of U.S. Patent Application Serial No. 10/054,745.

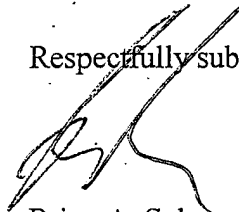
**This application is being filed without declaration or filing fee under 37 CFR 1.53(b).**

CLAIMS AS FILED (fees computed under 37 CFR §1.9(f))

|   | Number |     |   | Number |   |        |   |    | Basic<br>Fee |
|---|--------|-----|---|--------|---|--------|---|----|--------------|
| For   | Filed  |     |   | Extra  |   | Rate   |   | \$ | 375.00       |
| Total Claims  | 42     | -20 | = | 22     | x | \$9.00 | = | \$ | 198.00       |
| Independent<br>Claims   | 3      | -3  | = | 0      | x | \$42   | = | \$ | 0.00         |
| <input type="checkbox"/> Fee of _____ for the first filing of one or<br>more multiple dependent claims per  |        |     |   |        |   |        |   |    | \$           |
| <input type="checkbox"/> Fee for recording assignment   |        |     |   |        |   |        |   |    | \$ 0.00      |
| <input checked="" type="checkbox"/> Total fee for filing the patent application   |        |     |   |        |   |        |   |    | \$ 573.00    |
| <input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees<br>which may be required, or credit any overpayment, to Deposit Account<br>502108. |        |     |   |        |   |        |   |    |              |

**EXPRESS MAIL LABEL NO.:**  
**EV302958328US**

Respectfully submitted,



Brian A. Schar  
Attorney for Applicant(s)  
Reg. No. 45,076  
Cardica, Inc  
900 Saginaw Drive  
Redwood City, CA 94063